

REMARKS

Claims 1-3, 5-6, 12-17, 19-21, 28-30, 45-48 and 50-64 are pending in the application.

Claims 1-3, 5-6, 12-17, 19-21, 28-30, 45-48 and 50-64 stand rejected.

Claims 45-47, 50, 59, 60, 63, and 64 have been amended in order to further clarify the claims. No new matter has been added. Support for these amendments can be found at least on pages 12-13 of the specification.

Rejection of Claims under 35 U.S.C. § 101

Claims 45-47, 50, 59-60 and 63-64 stand rejected under 35 U.S.C. §101 because the claims “are not tied to a particular machine of apparatus nor do they transform a particular article into a different state or thing.” *See* Office Action, p. 4. Applicants respectfully request the withdrawal of this rejection against independent claims 45 and 50 for at least the reason that independent claims 45 and 50 have been amended to more closely tie the claimed operations to the computer performing the method. Likewise, Applicants respectfully request the withdrawal of this rejection against the remaining rejected claims for at least the reason that these claims are respectively dependent upon claims 45 and 50 or that the dependent claims themselves have been amended to more closely tie the limitations to the computer performing the method.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-3, 5, 6, 12-17, 19-21, 28-30, 45-58 and 50-64 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over U.S. Patent No. 6,804,657 issued to Sultan (“Sultan”) in view of Official Notice, and further in view of U.S. Patent No. 6,078,893 issued to Ouimet et al. (“Ouimet”). *See* Office Action, p. 5. Applicants respectfully traverse these rejections.

The Sultan-Official Notice Combination Does Not Teach the Claimed Forecast Series

Independent claims 1, 12, 15, 28, 45, 48, and 50 each recite a forecast series. As discussed previously by Applicants (*see* Response to Non-Final Office Action, dated September 29, 2008, pp. 15-17), Sultan fails to teach or suggest a forecast series. The Office Action agrees that Sultan fails to teach or suggest a forecast series. To avoid this failing of Sultan, the Office Action asserts that the creation of a forecast series is “addressed by the Sultan-Official Notice *combination*.” *See* Office Action, p. 2. (Emphasis in original.) The Office Action states that “it was old and well-known in the art of simulation software at the time of Applicant’s invention to pre-store common scenarios as a base for further analysis” and asserts that this is supported by Ouimet. *Id.* at 3.

Even if it is assumed that a forecast series is a “common scenario” (a proposition which Applicants do not necessarily concede), not only do neither the Official Notice nor the Sultan-Official Notice combination teach or suggest the particular forecast series claimed but the references also fail to teach or suggest the existence or idea of the claimed forecast series.

The references fail to teach or suggest the particular forecast series claimed since they fail to teach or suggest a forecast series comprising the particular set of parameters recited in the claims. For example, there is no disclosure in either Sultan or the Sultan-Official Notice combination related to the creation of a forecast series comprising a set of parameters identifying members of the organization to be included in the forecasts, as recited in independent claims 1, 12, 15, 28, 45, 48, and 50. Even if it were to follow from the Sultan-Official Notice combination that some data ought to be pre-stored as a common scenario (an assumption Applicants do not endorse), it does not follow that a set of parameters that identify members of the organization to include in the forecasts be included in that data.

Similarly, the Sultan-Official Notice combination does not disclose the creation of a forecast series comprising a set of parameters identifying any of the information recited in claims 1, 12, 15, 28, 45, 48, and 50, or any other particular information. Thus, the Sultan-Official Notice combination fails to teach or suggest the particular forecast series recited in claims 1, 12, 15, 28, 45, and 50.

Since the Sultan-Official Notice combination fails to suggest any particular information to include in any forecast series, it is unreasonable to assert that the Sultan-Official Notice combination either teaches or suggests a forecast series at all. Thus, the references also fail to teach or suggest the existence or idea of the claimed forecast series.

Applicants respectfully submit that any proposition that the Sultan-Official Notice combination teaches or suggests either the particular forecast series recited in claims 1, 12, 15, 28, 45, 48, and 50 or the idea of a forecast series can only be suggested using impermissible hindsight. While it may be the case that once a forecast series has been invented that the combination of the Official Notice with the invention of a forecast series will suggest pre-storing the forecast series as a base for further analysis (assuming that forecast series can be considered “common scenarios”), the combination of the Official Notice with Sultan is incapable of suggesting the invention of any particular forecast series in the first place.

Thus, for at least the reason that the Sultan-Official Notice combination fails to teach either the particular forecast series recited in independent claims 1, 12, 15, 28, 45, 48, and 50 or even the idea of a forecast series, Applicants respectfully request the reconsideration and withdrawal of the final rejection against these claims as well as their respective dependent claims, and an indication of the allowability of the same.

Dependent Claims 3 and 17

Applicants respectfully submit that the cited sections of Sultan fail to teach the limitation of claims 3 and 17 requiring that the visibility rules include a maximum hierarchy depth search value n. The Office Action asserts that Sultan 7:5-64 teaches this limitation, paraphrasing Sultan 7:5-64 as purportedly teaching that

Sales Manager position B11 should have access to the pipeline and forecast sales information entered and or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him. However, the Sales Manager B11 may have no reason to access either pipeline or forecast information from Sales Managers B12, B13 (even though B12 and B13 belong to the same Division as B11) or that of any other Sales Manager or any hierarchically higher Regional manager, Division Head or CEO. To restrict access to the pipeline and/or forecast information, the assigned permission levels are used. In general, the permission levels for accessing pipeline and/or forecast information matches a sales force member’s hierarchical position with the sales organization, unless such sales force member belongs to an “overlay organization” that participates in the

opportunity and has permission to add information to it, but does not “own” the corresponding forecast.

See Office Action, p. 9. The Office Action further asserts that “[t]he maximum depth as indicated by this rule would equal the total number of levels below the member with respect to hierarchy.” *See* Office Action, pp. 8-9 and 23-24. Thus, the Office Action asserts that since Sultan purportedly teaches accessing all the levels below a member, with respect to a hierarchy, it follows that Sultan teaches that visibility rules include a maximum hierarchy depth search value n .

But even if Sultan teaches accessing all the levels of a hierarchy below a member, it does not follow that Sultan necessarily teaches that visibility rules include a maximum hierarchy depth search value n . There is no explicit disclosure in Sultan that Sultan’s “permission levels” include the claimed “maximum hierarchy depth search value n ,” nor is there any support for a claim that this is an inherent teaching (and therefore necessarily taught, as discussed in MPEP § 2112). Whatever rules are followed by Sultan, none of them need include, or make reference to, a maximum hierarchy depth search value, n , in order to provide access to all the levels below a given member. The rules could, for example, simply engage a recursive algorithm that accesses each level in turn until there are no more levels to access. Thus, there is no inherent teaching of any set of rules including the claimed maximum hierarchy depth search value.

Thus, for at least the reason that the cited sections of Sultan fail to teach the limitation of claims 3 and 17 requiring that the visibility rules include a maximum hierarchy depth search value n , Applicants respectfully request the reconsideration and withdrawal of the final rejection against these claims, and an indication of the allowability of the same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

/Jonathan N. Geld/

Jonathan N. Geld
Attorney for Applicants
Reg. No. 44,702
(512) 439-5090 [Phone]
(512) 439-5099 [Fax]